

*for, me*

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF NEW YORK

Power Optech, LLC,

Plaintiff,

v.

Andron Construction Corporation  
and Riverdale Country School,

Defendants.

CIVIL ACTION NO.:  
1:07-cv-8117-HB (KNF)

NOTICE OF SUBSTITUTION  
AND APPEARANCE

NOTICE IS HEREBY GIVEN that HAROLD J. Gabriel, Esq.,  
21 Anderson Lane, Goldens Bridge, NY 10526, is substituted as  
attorney of record for Defendants in the above-entitled action,  
as of September 18, 2007, the date of the attached Consent to  
Change of Attorney, and hereby enters his appearance.

Dated: December 4, 2007  
Goldens Bridge, New York

HAROLD G. GABRIEL  
Attorney for Defendants

NOTICE ACCEPTED:  
DUANE MORRIS, LLP  
Attorneys for Plaintiff

By: *Harold Gabriel*  
Harold J. Gabriel (HG3082)  
21 Anderson Lane  
Goldens Bridge, NY 10526  
T (914) 232-7531  
F (914) 232-4185

*Aaron Van Nostrand*  
Aaron Van Nostrand (AV0072)  
744 Broad St - Suite 1200  
Newark, NJ 07102  
T (973) 424-2000  
F (973) 424-2001

SUBSTITUTION APPROVED: *12/10/07*

*Kevin N. Fox*  
Hon. Kevin N. Fox  
United States Magistrate Judge

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

Power Optech, LLC,

Plaintiff,

v.

Andron Construction Corporation :  
and Riverdale Country School, :

Defendants.

CIVIL ACTION NO.:  
1:07-cv-8117-HB (KNF)

CONSENT TO  
CHANGE ATTORNEY

IT IS HEREBY CONSENTED that Harold J. Gabriel, Esq., 21  
Anderson Lane, Goldens Bridge, New York 10526, be substituted as  
attorney of record for the undersigned parties in the above-  
entitled action in place and stead of Norton & Christensen as of  
the date hereof.

Dated: September 18, 2007  
Goshen, New York

ANDRON CONSTRUCTION CORPORATION  
Defendant

NORTON & CHRISTENSEN

By: Donald L. Benson  
Donald L. Benson, Treasurer

RIVERDALE COUNTRY SCHOOL  
Defendant

By: Kathleen Schoonmaker  
Kathleen Schoonmaker, Director  
of Finance and Operations

Harold J. Gabriel  
Harold J. Gabriel HG3082  
21 Anderson Lane  
Goldens Bridge, New York 10526  
Telephone: (914) 232-7531  
Facsimile: (914) 232-4185  
email: hgabriel@androncc.com

By: Harold M. Pressberg  
Harold M. Pressberg (HP8101)  
60 Erie Street  
Post Office Box 308  
Goshen, New York 10924  
Telephone: (845) 294-7949  
Facsimile: (845) 294-7791  
email: hmpnc@frontiernet.net

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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Power Optech, LLC, :  
 :  
Plaintiff, : CIVIL ACTION NO.:  
 : 1:07-cv-8117-HB (KNF)  
v. :  
 : AFFIDAVIT PURSUANT  
Andron Construction Corporation : TO LOCAL RULE 1.4  
and Riverdale Country School, :  
 :  
Defendants. :  
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STATE OF NEW YORK )  
 : ss:  
COUNTY OF ORANGE )

HAROLD M. PRESSBERG, being duly sworn, deposes and says:

1. I am a member of Norton & Christensen and counsel of record for Defendant Andron Construction Corporation. (Defendant Riverdale Country School has been dismissed from this case by Stipulation filed on November 17, 2007.) I make this affidavit in support of Andron's application to have Harold J. Gabriel, Esq., be substituted for the undersigned as counsel of record and lead attorney. I am fully familiar with the facts set forth herein.

2. Plaintiff originally brought the above-entitled action in the District of New Jersey.

3. Because I am admitted to practice before the United States District Court for the District of New Jersey ("USDCNJ"), Defendants Andron Construction Corp. ("Andron") and Riverdale

Country School retained me to represent them and to file an answer and a motion for change of venue.

4. I filed the answer and motion in the USDCNJ, after which Plaintiff stipulated to the change of venue.

5. After the District Judge in New Jersey granted the change of venue, the case was transferred to this Court on September 17, 2007.

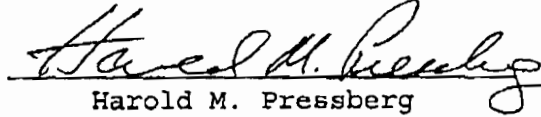
6. Defendant Andron desired that Andron General Counsel Harold J. Gabriel, admitted to practice before the this Court, should take over its representation in this matter.

7. Defendant and I executed the attached Consent to Change Attorney, and Attorney Gabriel has prepared the attached Notice of Substitution and Appearance.

8. The posture of the case is: Plaintiff's counsel and Attorney Gabriel met with the Court for prehearing conferences, with Judge Baer on November 15, 2007, and with Judge Fox on December 4, 2007. Discovery has not yet begun. The parties have agreed to the FRCP 26(a) disclosures by December 14, 2007, and to complete discovery by March 31, 2008.

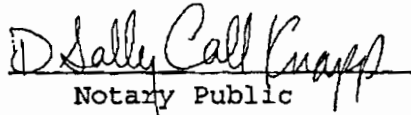
8. Substitution of Defendants' attorney at this time will not affect the posture or progress of the case.

WHEREFORE, it is respectfully requested that the Court  
approve the attached Notice of Substitution and Appearance.

  
Harold M. Pressberg

Sworn to before me this

5th day of December, 2007

  
Notary Public

D. SALLY CALL-KNAPP  
Notary Public, State of New York  
No. 02-CA4966052  
Qualified in Orange County  
Commission Expires April 30, 2010